

DETAILED ACTION

1. This office action is responsive to application No. 10/004,223 filed on 11/04/2009.

Claims 1-5 and 7-20 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **Claims 1-5 and 7-20** have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground(s) of rejection has been made, some of applicant's remarks need to be addressed.

A) Applicant asserts on P.14: lines 12-19, that "The process in Kamisaka fails to teach or suggest the claimed 'selectively receiving' limitation of the present claims... It would be impossible for Kamisaka to teach retrieving response data that indicates more than one interaction with at least one of the first and second interactive link."

In response, the examiner respectfully disagrees. Kamisaka was not used to teach "selectively receiving" instead the base reference Levitan was used to teach the "selectively receiving", please see Col 3: line 66 – Col 4: line 5 of Levitan and the rejection below. In regards to Kamisaka not teaching "retrieving response data," Alexander has been brought in to teach that part of the limitation.

B) Applicant asserts on P.14: line 20 - P.15: line 8, that "modifying Levitan and/or combining Levitan with Kamisaka with respect to the pending claims is contrary to the principle operation in Levitan. Levitan teaches away from targeted promotions including interactive links. The purpose of Levitan is to use one-way communication, in order to make resources available for other, two-way communications..."

In response, the examiner respectfully disagrees. Levitan does not teach away from targeted promotions including interactive links. Levitan is within the audiovisual environment where audiovisual content is transmitted to the user. The applicant has pointed out that "Levitan is to use one-way communication, in order to make resources available for other, two-way communications." Although Levitan does in fact provide for easy access to content causing less congestion in the network allowing for two-way communications, it does not make it impossible for Levitan's system to work with also providing two-way communications in the form of providing targeted promotions with interactive links. In an ideal environment, a device cannot store/cache all material, and it would be beneficial to Levitan's system to allow for both local content and non-local content to be accessed. Since Levitan does teach two-way communication, there's nothing that directly teaches against such a combination.

As such the combination of Levitan, Kamisaka, along with newly cited references Southam and Alexander are proper.

C) In regards to **Part K** of Applicant assertion on P.22-24, the examiner respectfully disagrees. Please see examiner's response in Parts (A) and (B) above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), and further in view of Alexander (US 6177931).

Consider **claim 1**, Levitan teaches a method for content synchronization for bulk data transfer in a multimedia network (Fig.1), comprising:

scheduling transmission of bulk data content push to a plurality of end node devices, the schedule including identifying a subset of end node devices, wherein the scheduling is performed using a first computer process (Col 3: line 66 - Col 4: line 3, Col 4: lines 42-50 teaches the VTV server supplying clients with timetable listings of when file will be scheduled for transmission, and that these time tables can be transmitted to just certain authorized users. Col 4: line 19 teaches the VTV server is a computer, and as such inherently runs computer processes to carry out actions);

associating the subset of end node devices with a subset of the bulk data content, wherein the associating is performed using a second computer process, and wherein the first and second computer processes are performed by one or more computing devices; notifying each end node device of the scheduled bulk data transmission on an individual basis, each such individual notification including sending information over the network and each such individual notification indicates to each end node device the subset of bulk data content push to selectively receive, the notification occurring before the bulk data

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transmission begins (Col 4: lines 42-48 teaches associating only those specific content for particular users. As well as having only certain content meant specifically for authorized users. The time tables for the scheduled transmission of content sent over the network is then only send notifications to these clients that are on the authorization list, so that only these authorized users can access data that was solely intended for them. Scheduling transmission and associating a subset of devices are different actions and would run on separate process, and in this case, these processes run on the VTV server);

transmitting the bulk data content push via broadcast (Col 2: lines 51-55, Col 3: lines 49-57);

scanning the bulk data content push to identify the subset of bulk data content push indicated by the notification; selectively receiving receive the identified subset of bulk data content push at the subset of end node devices during the scheduled transmission, the selective receiving is based on the notification information received by each end node device (Col 2: lines 60-63 teaches that content if necessary is delivered to authorized users. Col 4: lines 42-50 teaches that only certain users are transmitted timetables of certain content that are meant specifically for these users. Col 3: line 66 – Col 4: line 5 teaches users only downloading content of interest to the device. Therefore, in the case of content only intended for specific users notified by timetables sent only to specific users, those users would only download the content that was meant for it);

Levitan does not explicitly teach sending information over the network indicating an expected end time for the scheduled transmission;

transmitting the bulk data content push via broadcast prior to the expected end time;

wherein the subset of bulk data content includes a first targeted promotion and a second targeted promotion;

at the expected end time for the scheduled transmission, each end node device determining that the bulk data content push was received as expected;

wherein activating the content includes activating the first target promotion and activating the second targeted promotion, and wherein the first targeted promotion includes a first interactive link and the second targeted promotion includes a second interactive link; and

retrieving response data that indicates more than one interaction with at least one of the first interactive link and the second interactive link.

In an analogous art Kamisaka teaches sending information over the network indicating an expected end time for the scheduled transmission (Col 13: line 48 - Col 14: line 2 teaches notification of the scheduled transmission indicating an expected end time of the transmission are sent and registered in home terminal 5-Fig.1 beforehand. Col 7: lines 4-11, Col 9: lines 17-48, Col 12: lines 29-33, Col 13: lines 21-26 teaches that only data pertaining to the pertinent terminal in which the terminal ID is present in the control data part will the commands and data from the frame be registered/executed);

transmitting the bulk data content push via broadcast prior to the expected end time (Col 1: lines 57-59, Col 7: line 22 – Col 8: line 3 teaches the transmission of the content. Col 13: lines 48-55 teaches what the receiver does the data is not received at the expected end time);

at the expected end time for the scheduled transmission, each end node device determining that the bulk data content push was received as expected (Col 13: line 47 – Col 14: line 2);

in response to the bulk data content push being received as expected, activating the content (Col 9: line 44 – Col 10: line 17).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Levitan's system to include sending information over the network indicating an expected end time for the scheduled transmission; transmitting the bulk data content push via broadcast prior to the expected end time; at the expected end time for the scheduled transmission, each end node device determining that the bulk data content push was received as expected; and in response to the bulk data content push being received as expected, activating the content, as taught by Kamisaka, for the advantage of notifying the receiver when to expect termination of data transmission so that communication channels will not need to remain open for longer than necessary, allowing for the reception device to cease reception activities saving power consumption, and allowing for the receiver to cope with conditions where it may fail to properly receive data, etc (Kamisaka - Col 13: lines 29-35).

Levitan and Kamisaka do not explicitly teach wherein the subset of bulk data content includes a first targeted promotion and a second targeted promotion;

wherein activating the content includes activating the first target promotion and activating the second targeted promotion, and wherein the first targeted promotion includes a first interactive link and the second targeted promotion includes a second interactive link; and

retrieving response data that indicates more than one interaction with at least one of the first interactive link and the second interactive link.

In an analogous art Southam teaches wherein the subset of bulk data content includes a first targeted promotion and a second targeted promotion (Paragraph 0052 teaches tailored advertisements forming a media package that can be sent to the user operable in a push architecture);

wherein activating the content includes activating the first target promotion and activating the second targeted promotion, and wherein the first targeted promotion includes a first interactive link and the second targeted promotion includes a second interactive link; interaction with at least one of the first interactive link and the second interactive link (Paragraph 0052, 0062 teaches links to other internet sites embedded on advertisements allowing users to visit other sites to learn more information relating to the number of selected advertisements. Both first and second advertisements contain interactive links

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that can be activated by allowing the user to select the links to be further provided with more information regarding the advertisement shown);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan and Kamisaka to include wherein the subset of bulk data content includes a first targeted promotion and a second targeted promotion; wherein activating the content includes activating the first target promotion and activating the second targeted promotion, and wherein the first targeted promotion includes a first interactive link and the second targeted promotion includes a second interactive link; interaction with at least one of the first interactive link and the second interactive link, as taught by Southam, for the advantage of providing advertisers with the option of developing interactive advertisements with links to other websites where more information about a product maybe be obtained (Southam - Paragraph 0052), providing more engaging advertising to users allowing them to instantly obtain additional information on items of interest.

Levitan, Kamisaka, and Southam do not explicitly teach retrieving response data that indicates more than one interaction with the interactive content.

In an analogous art Alexander teaches retrieving response data that indicates more than one interaction with the interactive content (Col 28: line 22 – Col 3: line 44 teaches the system data collection, analysis, and learning of all user interactions with the user system, including advertisements, internet,

programming, etc. Col 33: lines 9-16 teaches viewer profile information can be reported).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, and Southam to include retrieving response data that indicates more than one interaction with the interactive content, as taught by Alexander, for the advantage of allowing advertisers to analyze the data and determine marketing customization opportunities (Alexander - Col 33: lines 11-14).

Consider **claim 12**, Kamisaka further teaches wherein the scheduled transmissions are scheduled multicast transmissions (Col 1: lines 57-59, Col 3: lines 4-10, Col 7: line 22 – Col 8: line 3; Col 13: lines 49-62).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include wherein the content is a plurality of promotions, as further taught by Kamisaka, for the advantage of allowing the system to provide content to all users at once in a robust environment in an efficient manner, conserving transmission bandwidth.

Consider **claim 13**, Levitan, Kamisaka, Southam, and Alexander teach wherein the scheduled transmissions are scheduled broadcast transmissions (Levitan – Col 3: lines 45-58).

Consider **claim 14**, Kamisaka further teaches wherein the content is transmitted multiple times during the scheduled transmissions to ensure that the plurality of end node devices receive the subset of content (Col 13: lines 29-47).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include wherein the content is transmitted multiple times during the scheduled transmissions to ensure that the plurality of end node devices receive the subset of content, as further taught by Kamisaka, for the advantage of providing multiple levels of redundancy, reducing reception error queries, and maximizing the use of transmission bandwidth, so that few if any devices would require retransmission of content.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), and further in view of Gupta (US 6,577,599).

Consider **claim 2**, Levitan, Kamisaka, Southam, and Alexander do not explicitly teach retransmitting the bulk content to the failing network device via a unicast.

In an analogous art Gupta teaches, retransmitting the bulk content (missed data packets) to the failing network device via a unicast (Gupta – Step 520 in Fig.5, Col 7: lines 35-41 and Col 12: lines 37-51).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include retransmitting the bulk content (missed data packets) to the failing network device via a unicast, as taught by Gupta, for the advantage of preventing network congestion by individually retransmitting the missed data packets to the appropriate receivers.

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of Gupta (US 6,577,599), and further in view of Carr (US 6,574,795).

Consider **claim 3**, Levitan, Kamisaka, Southam, Alexander, and Gupta do not explicitly teach wherein the failure indication indicates a subset of unreceived content and, transmitting only the indicated subset.

In an analogous art Carr teaches wherein the failure indication indicates a subset of unreceived content and, transmitting only the indicated subset (Col 8: line 62 – Col 9: line 10, Col 5: lines 40-50).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, Alexander, and Gupta

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to include wherein the failure indication indicates a subset of unreceived content and, transmitting only the indicated subset, as taught by Carr, for the advantage of allowing the transmitter to be easily aware of the necessary content requiring retransmission, and conserving valuable transmission bandwidth by only sending the necessary content, instead of flooding the transmission line with unnecessary data.

7. **Claims 4 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), and further in view of McNeil (US 6,421,706).

Consider **claim 4**, Levitan, Kamisaka, Southam, and Alexander do not explicitly teach wherein the step of transmitting the bulk content additionally comprising using a unicast UDP protocol.

In an analogous art McNeil teaches, wherein the step of transmitting the bulk content additionally comprising using a unicast UDP protocol (Col 7: lines 62-66).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include unicast UDP protocol data transmission, as taught by McNeil, for the advantage of providing an alternative means of data transmission in cases where

an endpoint device fails to receive low bit rate video and audio data (McNeil - Col 7: lines 54-66).

Consider **claim 8**, Levitan, Kamisaka, Southam, Alexander, and McNeil teach wherein the step of selectively receiving (Levitan - Col 2: lines 60-63 teaches that content if necessary is delivered to authorized users. Col 4: lines 42-50 teaches that only certain users are transmitted timetables of certain content that are meant specifically for these users. Col 3: line 66 – Col 4: line 5 teaches users only downloading content of interest to the device. Therefore, in the case of content only intended for specific users notified by timetables sent only to specific users, those users would only download the content that was meant for it) content comprises:

Kamisaka further teaches listening to the scheduled transmission for the subset of content on the destination port address at the data transmission times; selecting the subset of content during the scheduled transmissions; and receiving the subset of content (Col 2: lines 33-41, Col 12: lines 29-33 teaches that control information is stored on the receiver specifying what information items are to be registered as reception. Col 8: line 67 – Col 9: line 1, Col 9: lines 44-47 teaches reception of the content. Col 7: lines 4-11, Col 9: lines 17-24, Col 13: lines 21-26 teaches control data part of the control frame shown in Fig.4A contains individual terminal IDs for which the data is intended for. Therefore when receiving

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content, the receiver will have to identify the content being transmitted and see what information items are to be received and stored).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, Alexander, and McNeil to include listening to the scheduled transmission for the subset of content on the destination port address at the data transmission times; selecting the subset of content during the scheduled transmissions; and receiving the subset of content, as further taught by Kamisaka, for the advantage of allowing the device to be actively ready at the time of transmission, so as to not miss the scheduled transmission intended for that device, providing for more reliable reception of content.

8. **Claims 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), and further in view of in view of Miura et al. (US 6,483,848).

Consider **claim 5**, Levitan, Kamisaka, Southam, and Alexander do not explicitly teach wherein the step of notifying the end node devices includes an expected start time and duration information.

In an analogous art Miura teaches, wherein the step of notifying the end node devices includes an expected start time and duration information (schedule

date and time, reception duration; Col 22: lines 36-66, Col 23: line 23 - Col 24: line 3).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include the step of notifying the end node devices includes an expected start time and duration information, as taught by Miura, for the advantage of allowing the receiver to know when to supply power to its receiving portion in order to receive the transmitted data (Miura - Col 22: line 62 - Col 23: line 3) and when to end supply of power in order to conserve energy consumption of the receiver.

Consider **claim 7**, Kamisaka further teaches wherein the step of notifying the plurality of end node devices includes delivering content control data comprising destination port addresses (Col 7: lines 4-11, Col 9: lines 17-24, Col 13: lines 21-26 teaches control data part of the control frame shown in Fig.4A contains individual terminal IDs for which the data is intended for), but does not explicitly teach data transmission times for the subset of content.

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include wherein the step of notifying the plurality of end node devices includes delivering content control data comprising destination port addresses, as further taught by Kamisaka, for the advantage of ensuring that specific data is meant only for selected terminals, controlling the flow of content in a desired manner.

Levitan, Kamisaka, Southam, and Alexander do not explicitly teach wherein data transmission times for the subset of content.

In an analogous art Miura teaches, data transmission times for the subset of content (schedule date and time, reception duration; Col 22: lines 36-66, Col 23: line 23 - Col 24: line 3).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include data transmission times for the subset of content, as taught by Miura, for the advantage of allowing the receiver to know when to supply power to its receiving portion in order to receive the transmitted data (Miura - Col 22: line 62 - Col 23: line 3) and when to end supply of power in order to conserve energy consumption of the receiver.

9. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of McNeil (US 6,421,706), and further in view of Kadansky et al. (US 6,507,562).

Consider **claim 9**, Levitan, Kamisaka, Southam, Alexander, and McNeil do not explicitly teach wherein the destination port addresses are multicast port addresses.

In an analogous art Kadansky teaches, wherein the destination port addresses are multicast port addresses (Col 37: lines 10-21).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, Alexander, and McNeil to include wherein the destination port addresses are multicast port addresses, as taught by Kadansky, for the advantage of providing a structure for easy distribution of content without further congesting the network, allowing for multiple devices to receive content at once alleviating unicast loads which would be taxing to the provider and the network.

10. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of McNeil (US 6,421,706), and further in view of Wada (US 2003/0007481).

Consider **claim 10**, Levitan, Kamisaka, Southam, Alexander, and McNeil do not explicitly teach wherein the destination port addresses are broadcast port addresses.

In an analogous art Wada teaches, wherein the destination port addresses are broadcast port addresses (Paragraph 0164: lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, Alexander, and McNeil to include wherein the destination port addresses are broadcast port addresses,

as taught by Wada, for the advantage of transmitting data to all the devices attached to a network (Wada - Paragraph 0164: lines 12-14).

11. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), and further in view of Hawkins et al. (US 6,005,561).

Consider **claim 11**, Levitan, Kamisaka, Southam, and Alexander teach interaction with at least one of the first interactive link and the second interactive link (Southam - Paragraph 0052, 0062 teaches links to other internet sites embedded on advertisements allowing users to visit other sites to learn more information relating to the number of selected advertisements. Both first and second advertisements contain interactive links that can be activated by allowing the user to select the links to be further provided with more information regarding the advertisement shown), but do not explicitly teach wherein the more than one interaction includes obtaining computer software from a remote source.

In an analogous art, Hawkins teaches wherein the more than one interaction includes obtaining computer software from a remote source (Col 3: lines 38-44 teaches user interaction with a selection and downloading computer game software coming from a remote source).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to

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include wherein the more than one interaction includes obtaining computer software from a remote source, as taught by Hawkins, for the advantage of allowing users to easily receive interactive content, providing them with an additional level of immersion, adding to users' entertainment experience.

12. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of Gupta (US 6,577,599) and further in view of Kadansky et al. (US 6,507,562).

Consider **claim 15**, Levitan, Kamisaka, Southam, Alexander, and Gupta teaches sending a failure notification (Kamisaka - Col 13: lines 51-55), but does not explicitly teach wherein a failure indication is sent again if the retransmission fails.

In an analogous art Kadansky teaches, wherein a failure indication is sent again if the retransmission fails (Col 5: lines 54-64).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander, and Gupta to include wherein a failure indication is sent again if the retransmission fails, as taught by Kadansky, for the advantage of providing a more reliable and robust system in which the client is more guaranteed to receive the provided content, creating a more dependable system.

13. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of Miura et al. (US 6,483,848) and in further view of Dillon et al. (US 2003/0206554).

Consider **claim 16**, Levitan, Kamisaka, Southam, and Alexander, and Miura do not explicitly teach wherein a module ID is included in the failure notification.

In an analogous art Dillon teaches, wherein a module ID (unique package identifiers) is included in the failure notification (Paragraph 0135: lines 5-12)

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander, and Miura to include a module ID in the failure notification, as taught by Dillon, for the advantage of identifying the data content being requested for retransmission.

14. **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Carr (US 6,574,795), and further in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), and further in view of Ueno (US 6,185,736).

Consider **claim 17**, Levitan teaches a method for content synchronization for bulk data transfer in a multimedia network (Fig.1), comprising:

scheduling transmission of bulk data content to a plurality of end node devices, the schedule including identifying a subset of end node devices, wherein

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the scheduling is performed by one or more computing devices (Col 3: line 66 - Col 4: line 3, Col 4: lines 42-50 teaches the VTV server supplying clients with timetable listings of when file will be scheduled for transmission, and that these time tables can be transmitted to just certain authorized users. Col 4: line 19 teaches the VTV server is a computer);

associating the subset of end node devices with a subset of the bulk data content, wherein the associating is performed by the one or more computing devices; notifying each end node device of the scheduled bulk data transmission on an individual basis, each such individual notification including sending information over the network, wherein each such individual notification indicates to each end node device the subset of bulk data content push to selectively receive, the notification occurring before the bulk data transmission begins (Col 4: lines 42-48 teaches associating only those specific content for particular users. As well as having only certain content meant specifically for authorized users. The time tables for the scheduled transmission of content sent over the network is then only send notifications to these clients that are on the authorization list, so that only these authorized users can access data that was solely intended for them. Col 4: line 19 teaches the VTV server is a computer where scheduling transmission and associating a subset of devices are carried out);

transmitting the bulk data content via broadcast (Col 2: lines 51-55, Col 3: lines 49-57);

scanning the bulk data content to identify the subset of bulk data content indicated by the notification; selectively receiving the identified subset of bulk data content at the subset of end node devices during the scheduled transmission, the selective receiving is based on the notification information received by each end node device (Col 2: lines 60-63 teaches that content if necessary is delivered to authorized users. Col 4: lines 42-50 teaches that only certain users are transmitted timetables of certain content that are meant specifically for these users. Col 3: line 66 – Col 4: line 5 teaches users only downloading content of interest to the device. Therefore, in the case of content only intended for specific users notified by timetables sent only to specific users, those users would only download the content that was meant for it);

Levitan does not explicitly teach sending information over the network indicating an expected end time for the scheduled transmission and an expected rate for the scheduled transmission;

transmitting the bulk data content push via broadcast prior to the expected end time;

wherein the subset of bulk data content includes a first targeted promotion and second targeted promotion;

at the expected end time for the scheduled transmission, each end node device determining if the bulk data content was received as expected;

upon determining that the bulk data content was not received as expected, sending a failure indication; and

upon receiving the failure notification, retransmitting the bulk content to the network device that sent the failure indication, wherein the retransmission occurs using a more reliable transport mechanism;

locally caching the first targeted promotion and the second targeted promotion, wherein the first targeted promotion is associated with a first event that activates the first targeted promotion, and wherein the second targeted promotion is associated with a second event that activates the second targeted promotion; and

collecting data that represents an occurrence of the first event and an occurrence of the second event.

In an analogous art Kamisaka teaches sending information over the network indicating an expected end time for the scheduled transmission (Col 13: line 48 - Col 14: line 2 teaches notification of the scheduled transmission indicating an expected end time of the transmission are sent and registered in home terminal 5-Fig.1 beforehand. Col 7: lines 4-11, Col 9: lines 17-48, Col 12: lines 29-33, Col 13: lines 21-26 teaches that only data pertaining to the pertinent terminal in which the terminal ID is present in the control data part will the commands and data from the frame be registered/executed);

transmitting the bulk data content push via broadcast prior to the expected end time (Col 1: lines 57-59, Col 7: line 22 – Col 8: line 3 teaches the transmission of the content. Col 13: lines 48-55 teaches what the receiver does the data is not received at the expected end time);

at the expected end time for the scheduled transmission, each end node device determining if the bulk data content was received as expected (Col 13: line 47 – Col 14: line 2);

upon determining that the bulk data content was not received as expected, sending a failure indication (Col 13: line 47 – Col 14: line 2);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Levitan's system to include sending information over the network indicating an expected end time for the scheduled transmission; transmitting the bulk data content push via broadcast prior to the expected end time; at the expected end time for the scheduled transmission, each end node device determining if the bulk data content was received as expected; upon determining that the bulk data content was not received as expected, sending a failure indication, as taught by Kamisaka, for the advantage of notifying the receiver when to expect termination of data transmission so that communication channels will not need to remain open for longer than necessary, allowing for the reception device to cease reception activities saving power consumption, and allowing for the receiver to cope with conditions where it may fail to properly receive data, etc (Kamisaka - Col 13: lines 29-35).

Levitan and Kamisaka do not explicitly teach an expected rate for the scheduled transmission;

wherein the subset of bulk data content includes a first targeted promotion and second targeted promotion;

upon receiving the failure notification, retransmitting the bulk content to the network device that sent the failure indication, wherein the retransmission occurs using a more reliable transport mechanism;

locally caching the first targeted promotion and the second targeted promotion, wherein the first targeted promotion is associated with a first event that activates the first targeted promotion, and wherein the second targeted promotion is associated with a second event that activates the second targeted promotion; and

collecting data that represents an occurrence of the first event and an occurrence of the second event.

In an analogous art Carr teaches upon receiving the failure notification, retransmitting the bulk content to the network device that sent the failure indication, wherein the retransmission occurs using a more reliable transport mechanism (Col 5: lines 40-50, Col 8: line 62 – Col 9: line 10);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan and Kamisaka to include upon receiving the failure notification, retransmitting the bulk content to the network device that sent the failure indication, wherein the retransmission occurs using a more reliable transport mechanism, as taught by Carr, for the advantage of ensuring that users are able to receive necessary data, in a manner that is less error-prone to failure, minimizing chances of another non-successful transmission, saving transmission bandwidth and providing a more robust system that won't frustrate the user.

Levitan, Kamaisaka, and Carr do not explicitly teach an expected rate for the scheduled transmission;

wherein the subset of bulk data content includes a first targeted promotion and second targeted promotion;

locally caching the first targeted promotion and the second targeted promotion, wherein the first targeted promotion is associated with a first event that activates the first targeted promotion, and wherein the second targeted promotion is associated with a second event that activates the second targeted promotion;

collecting data that represents an occurrence of the first event and an occurrence of the second event.

In an analogous art, Southam teaches wherein the subset of bulk data content includes a first targeted promotion and second targeted promotion (Paragraph 0052 teaches tailored advertisements forming a media package that can be sent to the user operable in a push architecture);

locally caching (Fig.1, Paragraph 0032, 0058 teaches distributing advertisements to the user, where it is then later displayed. User also contains memory means for storing content. *Data must have been cached locally in one way or another in order for client to receive and display data*) the first targeted promotion and the second targeted promotion, wherein the first targeted promotion is associated with a first event that activates the first targeted promotion, and wherein the second targeted promotion is associated with a

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second event that activates the second targeted promotion; and occurrence of the first event and an occurrence of the second event (Paragraph 0052, 0062 teaches links to other internet sites embedded on advertisements allowing users to visit other sites to learn more information relating to the number of selected advertisements. *Both first and second advertisements contain interactive links that can be activated by allowing the user to select the links to be further provided with more information regarding the advertisement shown*);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan and Kamisaka to include wherein the subset of bulk data content includes a first targeted promotion and second targeted promotion; locally caching the first targeted promotion and the second targeted promotion, wherein the first targeted promotion is associated with a first event that activates the first targeted promotion, and wherein the second targeted promotion is associated with a second event that activates the second targeted promotion; and occurrence of the first event and an occurrence of the second event, as taught by Southam, for the advantage of providing advertisers with the option of developing interactive advertisements with links to other websites where more information about a product maybe be obtained (Southam - Paragraph 0052), providing more engaging advertising to users allowing them to instantly obtain additional information on items of interest.

Levitan, Kamisaka, and Southam do not explicitly teach an expected rate for the scheduled transmission;

collecting data that represents an occurrence of the first event and an occurrence of the second event.

In an analogous art Alexander teaches collecting data that represents an occurrence of a first event and an occurrence of a second event (Col 28: line 22 – Col 3: line 44 teaches the system data collection, analysis, and learning of all user interactions with the user system, including advertisements, internet, programming, etc. Col 33: lines 9-16 teaches viewer profile information can be reported).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, and Southam to include collecting data that represents an occurrence of a first event and an occurrence of a second event, as taught by Alexander, for the advantage of allowing advertisers to analyze the data and determine marketing customization opportunities (Alexander - Col 33: lines 11-14).

Levitan, Kamisaka, Southam, and Alexander do not explicitly teach an expected rate for the scheduled transmission;

In an analogous art Ueno teaches an expected rate for the scheduled transmission (Col 4: lines 1-13, 30-43, Col 5: lines 15-22 teaches a transmission apparatus that transmits a notifier specifying the predetermined rate of transmission).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to an expected rate for the scheduled transmission, as taught by Ueno, for the advantage of early notification allowing the system to adequately prepare for the transmission data so that it can readily allocate the necessary resources, resulting in more robust transmission/reception of data.

Consider **claim 18**, Levitan, Kamisaka, Southam, Alexander, and Ueno teach wherein the first event includes a selection of a portion of the first targeted promotion (Southam - Paragraph 0052, 0062 teaches links to other internet sites embedded on advertisements allowing users to visit other sites to learn more information relating to the number of selected advertisements. *Both first and second advertisements contain interactive links that can be activated by allowing the user to select the links to be further provided with more information regarding the advertisement shown, the links are a portion of the promotions and are the portions that are selected*).

15. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Carr (US 6,574,795), and further in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6177931), in view of Ueno (US 6,185,736), and further in view of Kanojia et al. (US 7,392,281).

Consider **claim 19**, Levitan, Kamisaka, Southam, Alexander, and Ueno do not explicitly teach wherein the selection includes a request for access to an e-commerce website.

In an analogous art, Kanojia teaches wherein the selection includes a request for access to an e-commerce website (Col 14: lines 29-33 teaches user selection of a promotion and gaining access to a URL that enables e-commerce transactions).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, Alexander, and Ueno to an expected rate for the scheduled transmission, as taught by Ueno, for the advantage of allowing for users to easily obtain additional information and providing users with the opportunity to instantly gain access and buy items of interest, benefiting advertisers by allowing for instant on demand purchase of goods.

16. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan (US 6,698,023), in view of Kamisaka et al. (US 5,708,960), in view of Carr (US 6,574,795), and further in view of Southam et al. (US 2008/0319828), in view of Alexander (US 6,177,931), in view of Ueno (US 6,185,736), and further in view of Hawkins et al. (US 6,005,561).

Consider **claim 20**, Levitan, Kamisaka, Southam, Alexander, and Ueno do not explicitly teach wherein the selection indicates a request for gaming software.

In an analogous art, Hawkins teaches wherein the selection indicates a request for gaming software (Col 3: lines 38-44 teaches user interaction with a selection and downloading computer game software coming from a remote source).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Levitan, Kamisaka, Southam, and Alexander to include wherein the selection indicates a request for gaming software, as taught by Hawkins, for the advantage of allowing users to easily receive interactive content, providing them with an additional level of immersion, adding to users' entertainment experience.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on 10AM - 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/
Examiner, Art Unit: 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425